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Justice or Vendetta?

IT IS a raw, unaccustomed battle that has broken out in public between the Bush Justice Department and the Director of the Federal Bureau of Investigation, William Sessions. And it has been left to the newly installed President Clinton to resolve. He should be very, very careful here, very painstaking and thorough in his study of the matter before he decides. For at this point it is anything but obvious what is going on. If you take the Justice Department's report on Judge Sessions's infractions and derelictions at face value, it adds up to a serious indictment. The question to be answered is: Should you take it that way?

Even before the FBI director began last week to openly fight back, there were troublesome signs that something more than fierce ethical scruple might well lie behind the investigation of him. Mr. Sessions was gaining a certain reputation for refusing to cooperate in administration efforts to damp down the flames of various scandals, that of the Banco Nazionale del Lavoro principal among them. It was also the case that Mr. Sessions was regarded as extremely unhelpful in the as yet unconcluded passport-search case.

To these nagging thoughts must be added the unfair and damaging fashion in which the news of the charges against him has been revealed. First there was a sudden weekend leak last fall that Mr. Sessions might be guilty of criminal misbehavior; it followed immediately on his announcement that he would be investigating the Justice Department's role in the BNL scandal. And there seems to be no question that former attorney general William P. Barr blindsided the FBI director with his method of last-minute release of the new report. It went simultaneously to its subject and the press the same day he himself—Mr. Barr—left government and before Mr. Sessions even got possession of his files, not exactly the most judicious or, for that matter, fair way of going about this business.

We have said before it is possible that the charges against Mr. Sessions are true, that the administration that let Mr. Sununu fly around all that time on government aircraft for clearly personal missions really did object deeply in its soul to the acts it says Mr. Sessions committed. Some of these, in the report, are trivial. But others, if true, are not. They would be grounds for dismissal. Our only point is that President Clinton should take exceptional care before he acts to make absolutely sure he is not being made party to a politically motivated railroading.